

FILED

October 15, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**UNITED STATES DISTRICT COURT**

for the

Western District of Texas

Pecos Division

BY: Joseph Hinojos
DEPUTY

United States of America

v.

Eddie Encinia

Case No. 4:21-MJ-1052

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 13, 2021 in the county of Reeves in the
WESTERN DISTRICT OF TEXAS, the defendant(s) violated:*Code Section**Offense Description*Defendant,
8 USC 1324(a)(1)(A)(ii)&(B)(i)

Defendant(s) did knowingly and in reckless disregard of the fact that certain aliens had come to, entered, and/or remained in the United States in violation of law, did guide, transport, move, and attempt to guide and move said aliens within the United States in furtherance of said violation of law for the purpose of commercial advantage or private financial gain

Defendant,
8 USC 1324(a)(1)(A)(v)(I)

Conspiracy to commit Alien Smuggling

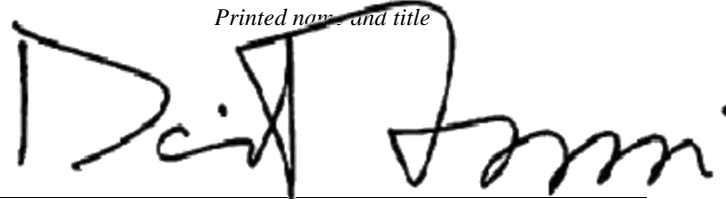
This criminal complaint is based on these facts:

☒ Continued on the attached sheet.OATH TELEPHONICALLY SWORN
AT 09:00 A.M.
FED.R.CRIM.P. 4.1(b)(2)(A)Date: 10/15/2021City and state: Alpine, Texas

/s/ Ryan Drake

Complainant's signature

Special Agent Ryan Drake

Printed name and title*Judge's signature*

Honorable Judge David B. Fannin

United States Magistrate Judge

AFFIDAVIT

On October 13, 2021, Reeves County Deputy Sheriff Garcia was working routine patrol on Texas State Highway 17 (HWY 17) in Reeves County near Balmorhea, TX. Reeves County lies within the Western District of Texas.

At approximately 10:30 a.m., Deputy Garcia observed a tan Nissan Pathfinder traveling northbound on HWY 17. Deputy Garcia observed the Pathfinder was bearing an expired vehicle registration tag as well as failing to signal when necessary. Deputy Garcia performed a vehicle stop on the Pathfinder on HWY 17, near county road 316.

Upon approaching the vehicle, Deputy Garcia observed the front seat passenger had a camouflage backpack between his feet as well as three additional passengers attempting to conceal themselves in the back seat. Deputy Garcia contacted the driver, identified as Eddie ENCINIA, and directed him to step out of the vehicle, at which point Deputy Garcia also observed an additional subject attempting to conceal themselves under a sweater in the rear cargo area of the sport utility vehicle. Suspecting the vehicle contained undocumented noncitizens (UNCs), Deputy Garcia asked ENCINIA where he had picked up the individuals in the vehicle, to which ENCINIA replied "the side of the road".

Deputy Garcia advised his agency dispatch of the suspected situation, who in turn requested the assistance of the U.S. Border Patrol. Border Patrol Agents (BPAs) assigned to the Fort Stockton Border Patrol Station responded.

Once on scene, a BPA identified himself and conducted an immigration inspection on all the occupants, six in total. ENCINIA was determined to be a United States Citizen. The five passengers were determined to be citizens of countries other than that of the United States, to be in the country illegally and to not being in possession of immigration documents that would allow them to be in or remain in the United States legally.

ENCINIA and the five UNCs were taken into custody and transported to the Fort Stockton Border Patrol Station for further processing. During standard intake processing, BPAs determined one of the five UNCs was an unaccompanied minor.

Homeland Security Investigations (HSI) was advised and responded to investigate.

On October 13, 2021, Special Agent (SA) Ryan Drake interviewed ENCINIA. BPA Eugino Vega assisted with the interview. The interview was audio/video recorded.

ENCINIA was provided his Miranda Warnings via ICE Form 73-025, Declaration of Rights. ENCINIA read his rights and advised he understood his Miranda Warnings and was willing to answer questions at that time.

Post-Miranda, ENCINIA admitted to having been hired to transport UNCs for which he was expected to be financially compensated.

ENCINIA stated he contacted a third party through the Snapchat and WhatsApp applications who offered the job of picking up UNCs in the Presidio, TX area and transporting them to Odessa, TX.

ENCINIA admitted to having picked up the five UNCs in the Presidio, TX area and transporting them north on U.S. Highway 67 until dropping them off south of the Border Patrol Checkpoint for purposes of circumventing the immigration inspection. ENCINIA then picked up the group of five and proceeded to transport them north in route to Odessa, TX until being encountered by the Reeves County Sheriff Office.

ENCINIA admitted to picking up the UNC's knowing of their illegal status within the U.S. and was expecting to be paid \$10,000 United States Dollars (USD) for successfully transporting them to Odessa, TX.

Complaint sworn to telephonically on
October 15, 2021 and signed electronically.
FED.R.CRIM.P. 4.1(b)(2)(A)

/S/ Ryan Drake

Ryan Drake, Special Agent
Homeland Security Investigations

A handwritten signature in black ink, appearing to read "David B. Fannin". The signature is written in a cursive, flowing style with a large initial "D".

David B. Fannin
United States Magistrate Judge